**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

I.T.R. No.3 of 1995
Date of decision: 08.11.2006

The Commissioner of Income Tax, Amritsar.

---Applicant

Vs.

M/s Doaba Automobiles, Amritsar.

-----Respondent

**CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL**

**HON'BLE MR JUSTICE RAJESH BINDAL**

Present: Dr. N.L. Sharda, Advocate
for the revenue.

---

**ORDER**:

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar, arising out of its order dated 06.10.1993 in I.T.A. No.803/ASR/1989 in respect of assessment year 1984-85:-

> "Whether, on the facts and in the circumstances of the case, the Tribunal is right in law in delaying the amended provision of section 43B of the Income-tax Act, 1961 to the proceedings relating to Asstt. Year 1984-85 when the amendment was introduced from 1.4.1988?"

We find that the issue is covered against the revenue and in favour of the assessee by the judgment of Hon'ble Supreme Court in ***Allied Motors (P) Limited v. Commissioner of Income Tax*** 1997 (224) ITR 677.

Following the above judgment of the Hon'ble Supreme Court, we have decided the issue against the revenue and in favour of the assessee vide our order dated 5.9.2006 in ITR No.94 of 1996, ***The Commissioner of Income tax (C), Ludhiana v. M/s Avery Cycle Inds. Pvt. Limited, Ludhiana.***.

Accordingly, the question is answered against the revenue and in favour of the assessee.

**( ADARSH KUMAR GOEL )**
**JUDGE**

**November 08, 2006**
ashwani

**( RAJESH BINDAL )**
**JUDGE**